

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TAN MAY YEN,

Plaintiff,

v.

KO CHEUK YIN,

Defendant.

CASE NO. 2:24-cv-01565-BAT

**ORDER SETTING PRETRIAL
DEADLINES**

The parties to this copyright action have consented to proceed before the undersigned Magistrate Judge for all proceedings, including trial and entry of judgment, pursuant to 28 U.S.C. § 636(c). Dkt. 16 at 4. The parties submitted a Combined Joint Status Report and Discovery Plan for this Court's review. Dkt. 16.

The parties assert this copyright infringement case involves complex legal issues of copyright validity and infringement as Plaintiff alleges unauthorized use of specific protected elements in her original work by the Defendant. *Id.* at 2. The parties propose completing all discovery by tomorrow, November 21, 2024, and state they are ready to begin a five-day non-jury trial on Monday, November 25, 2024. *Id.* On the other hand, the parties anticipate additional discovery requests related to customer feedback, financial and sales records, original work creation, metadata, software screenshots, and proof of authorship. *Id.* at 11.

Additionally, the parties indicate an intention to file pre-trial motions, including motions to dismiss for lack of personal jurisdiction, to stay, for injunctive relief, and for summary

judgment. *Id.* at 16. The parties also raise issues regarding joinder of additional parties and potential discovery disputes. *Id.*

Considering the foregoing, the Court will set pretrial deadlines only at this time. A trial date will be set later, depending on the outcome of any pre-trial motions. It is **ORDERED** that the following deadlines shall govern the parties' filings in this case:

Event	Date
Deadline for the filing of a Rule 12(b)(2) motion to dismiss based on lack of personal jurisdiction	January 6, 2025
Deadline for joining additional parties	January 20, 2025
Deadline for amending pleadings	February 24, 2025
Reports of expert witnesses under FRCP 26(a)(2) due	March 17, 2025
All motions related to discovery must be noted for consideration no later than	April 21, 2025
Discovery to be completed by	May 19, 2025
All dispositive motions must be filed pursuant to CR 7(d)	June 16, 2025
All <i>Daubert</i> motions must be filed by (same as dispositive)	June 16, 2025
Mediation per CR 39.1(c)(3) held no later than	June 30, 2025

This order sets firm dates that can be changed only by order of the Court, not by agreement of counsel for the parties. The Court will alter these dates only upon good cause shown. Failure to complete discovery within the time allowed is not recognized as good cause. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day.

Discovery and Cooperation

As required by CR 37(a), all discovery matters are to be resolved by agreement if

possible. In their Joint Status Report, the parties raise several issues and “objections” to the proposed scope of discovery and as to specific discovery requests. The parties are directed to the Federal Rules of Civil Procedure governing discovery. Specifically, the Court will not address any discovery disputes unless the parties have first conferred in good faith and the discovery issues are clearly set forth in a separate motion properly noted for the Court’s consideration. *See, e.g.,* Fed. R. Civ. P. 26 and 37.

The parties have indicated a willingness to adopt the Model Protocol for Discovery of ESI. Dkt. 16 at 13. The parties shall submit their proposed order to the Court for review and approval by **December 2, 2024**.

Settlement and Mediation

The Court designates this case for mediation under CR 39.1(c) and the parties are directed to follow through with the procedures set forth in that rule. If this case settles, Plaintiff shall notify Andy Quach at (206) 370-8421 or via e-mail at: andy_quach@wawd.uscourts.gov, as soon as possible. Pursuant to CR11(b), a party an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate. The Clerk is directed to send copies of this Order to all parties of record.

DATED this 20th day of November, 2024.



BRIAN A. TSUCHIDA
United States Magistrate Judge